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19 JOHN ARMSTRONG, et al.,

Plaintiffs,

v.

ARNOLD SCHWARZENEGGER, et al.,

Defendants.

Case No. C94 2307 CW

**STIPULATION AND ORDER RE
PROCEDURE FOR RESOLVING
ATTORNEY'S FEES INCURRED ON
APPEAL**

1 WHEREAS, on March 26, 1997, the District Court established procedures by which
2 Plaintiffs are to collect periodic attorneys' fees and costs in this case in connection with their
3 work monitoring Defendants' compliance with the Court's Orders and collecting fees (the
4 "Periodic Fees Order");

5 WHEREAS, Defendants filed an appeal to the Ninth Circuit Court of Appeals, Case
6 No. 07-17342, regarding this Court's Denial of Reconsideration with respect to a Motion to
7 Enforce the September 11, 2007 Enforcement Order, which was resolved by the Ninth
8 Circuit's Memorandum Order issued on September 7, 2010;

9 WHEREAS, Defendants filed an appeal to the Ninth Circuit Court of Appeals, Case
10 No. 09-16716, regarding this Court's July 9, 2010 minute order concerning the modification of
11 local operating procedures for the provision of accommodations to hearing impaired prisoners
12 at individual institutions of the California Department of Corrections and Rehabilitation, which
13 was resolved by the Ninth Circuit's Memorandum Order issued on August 12, 2010;

14 WHEREAS, the Ninth Circuit has granted Plaintiffs' requests to transfer consideration
15 of attorney's fees and expenses in Case Nos. 07-17342 and 09-16716 to this Court;

16 WHEREAS, on October 7, 2010 this Court issued an Order on Briefing for Attorneys'
17 Fees Incurred on Appeal (Docket No. 1785), setting a schedule for consolidated briefing on
18 Plaintiffs' request for attorney's fees and expenses incurred in Case Nos. 07-17342 and
19 09-16716; and

20 WHEREAS, the parties seek to resolve their differences in the most efficient manner
21 possible and reduce the burden on the Court;

22 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

23 1. The briefing schedule set in this Court's Order on Briefing for Attorneys' Fees
24 Incurred on Appeal (Docket No. 1785) shall be vacated;

25 2. Plaintiffs shall seek their attorney's fees and expenses incurred in Case Nos.
26 07-17342 and 09-16716 by submitting them to Defendants as part of the quarterly periodic fees
27 process pursuant to the Periodic Fees Order;

1 3. Pursuant to the Periodic Fees Order, Defendants shall have an opportunity to
2 object to Plaintiffs' claimed fees and expenses, and the parties will attempt to resolve any
3 disputes regarding Plaintiffs' claims;

4 4. If the parties are unable to resolve disputes regarding Plaintiffs' claims for
5 attorney's fees and expenses incurred in Case Nos. 07-17342 and 09-16716, then Plaintiffs
6 may file a motion to compel before this Court, within 60 days after completion of the parties'
7 meet-and-confer process; and

8 5. The previously set deadline on motions to compel regarding 2008 fees and costs
9 pursuant to the Stipulation and Order entered on May 21, 2009 (Docket No. 1480) shall be
10 superseded by this Stipulation and Order.

11 Dated: October 18, 2010

ROSEN, BIEN & GALVAN, LLP

13 By: /s/ Holly M. Baldwin
14 Holly M. Baldwin
15 Attorneys for Plaintiffs

16 Dated: October 18, 2010

EDMUND G. BROWN JR.,
17 Attorney General of the State of California

18 By: /s/ Jay C. Russell
19 Jay C. Russell
20 Deputy Attorney General
21 Attorneys for Defendants

IT IS SO ORDERED.

Dated: 10/25/2010


The Honorable Claudia Wilken
United States District Judge